

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I have had a number of conversations over the last few days with my new friend, the junior Senator from Kentucky, Mr. PAUL. He feels very strongly about an issue, and he should have the right to talk about that.

I ask unanimous consent that there be 10 minutes for Senator PAUL to speak prior to my being recognized to have the bill called up; that is, the small business jobs bill, and that Senator PAUL be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. During that morning business time, it will be for debate only by Senator PAUL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

#### WAR POWERS ACT

Mr. PAUL. Mr. President, I very much thank the majority leader for allowing this important debate to occur.

During his campaign, Candidate Barack Obama said no President should unilaterally initiate military conflict without Congressional authority. I agree with that statement. It is a very important constitutional principle and something that I think deserves debate.

I think the most important thing we do as representatives is voting on whether to go to war. If Congress does not vote to go to war or does not vote on the notion of going to war, we would have an unlimited Presidency, and this is a very dangerous notion.

I would take this position no matter what the party affiliation were of the President because I believe very strongly in the constitutional checks and balances. We will vote today on the President's own words verbatim. During the election, the President said: "The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation."

Clearly, the circumstances in Libya do not rise to this, and I think this vote is incredibly important. Madison wrote that:

The Constitution supposes what history demonstrates. That the executive is the branch most interested in war and most

prone to it. Therefore, the Constitution has with studied care given that power to the legislature.

"Don't tread on me" was a motto and a rallying cry for our Founding Fathers. The motto of Congress appears to be: "Tread on me, please tread on me." The Congress has become not just a rubber stamp for an unlimited Presidency, but, worse, Congress has become a doormat to be stepped upon, to be ignored, and basically to be treated as irrelevant.

Some would say: We had no time. We had to go to war. There was no time for debate. When we were attacked in World War II on December 7, Pearl Harbor, within 24 hours this body came together and voted to declare war on Japan. There is no excuse for the Senate not to vote on going to war before we go to war.

The President had time to go to the United Nations, have a discussion, and a vote. The President had time to go to the Arab League, have a discussion, and a vote. The President had the time to go to NATO. But the President had no time to come to the people's house, to the Congress, and ask, as the Constitution dictates, for the approval of the American people and for the approval of Congress.

Why is this important? It is important because when our Nation was founded, we were founded as a constitutional Republic. We placed limitations not only on the President but on the Congress. We are supposed to obey the Constitution. These are important principles and we have gone beyond that. We have gotten to the point where my question is, Are we even obeying the Constitution in this body?

This is a sad day. This is a sad day for America. The thing is, we need to have checks and balances. Do we want an unlimited Presidency, a Presidency that could take us to war anywhere, anytime, without the approval of Congress?

Some have said: We are going to have a vote sometime, sometime in the next couple weeks. When we get around to it, we may have a debate about Libya. Had the President shown true leadership, the President would have, when he called the United Nations, when he called the Arab League, when he called NATO, the President would have called the leadership of the Senate and the leadership of the House, and we would have been here within 24 hours, having what should be the most momentous debate this body ever has on sending our young brave men and women to war.

We are currently engaged in two wars, and we are now going to be engaged in a third war. The interesting point is, when we went into Iraq and Afghanistan, we had votes in this body. President Bush came to Congress and there were votes.

The War Powers Act—some on the other side say: This is no big deal. The President can do whatever he wants as long as he notifies Congress within a certain period of time.

This is not a correct interpretation of the War Powers Act. The War Powers Act does say he needs to notify Congress. But the War Powers Act also says the President must meet three hurdles before taking our troops into harm's way.

No. 1, there should be a declaration of war or there should be an authorization of force from this body or there should be imminent danger to the Nation. None of those were adhered to. The law was not adhered to.

Some will say: The War Powers Act, no President recognizes it. Well, The War Powers Act is the law of the land, and the President needs to respect not only the statutory law of the land but the Constitution. I do not think these are trivial questions. But I am bemused, I am confused, I do not understand why your representatives are not down here debating such a momentous event as going to war.

I can think of no vote and no debate more important than sending our young men and women to war. It should be done reluctantly. We should go to war only when threatened as a nation. When engaged in two wars, we should debate the prudence of being involved in a third war. These are not trivial questions. I am amazed this body does not take the time to debate whether we should be in Libya.

Some have said: We will debate it next week. The problem is, the debate should occur before we go to war. At this point, we will have a vote. We will have a vote on the President's own words.

I will yield for a minute or two for a question, if that is OK. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEE. Mr. President, what we have with the situation with Libya presents us with a fundamental question, one we have wrestled with for a couple centuries as a nation. The founding era was a time that was fraught with wars. It was a time when we learned that executives sometimes abuse their power. Sometimes they will take us into wars in faraway nations without the support of the people, knowing full well it is the sons and the daughters of the people on the ground who are asked to make the ultimate sacrifice in those battles.

We channeled the war power in the Constitution so as to make sure these debates would always come to the forefront, that they would always be brought up by the elected representatives of the people in Congress. For that reason, although we give power to the President to be the Commander in Chief in article II of the Constitution, in article I of the Constitution, we reserve that power, the power to declare war, to Congress.

This is how we guarantee that the people's voice will be heard and that people's sons and their daughters will not be sent off to war without some public debate and discussion by those